

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DEONNA M. MAUZY,

Plaintiff,

v.

Civil Action No.2:08-CV-75

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**REPORT AND RECOMMENDATION PLAINTIFF'S APPLICATION
TO PROCEED IN FORMA PAUPERIS BE DENIED**

On July 2, 2008, Deonna Mauzy, ["Plaintiff"], filed a complaint under 42 U.S.C. § 405(g) and an Application for Leave to Proceed in forma pauperis. Plaintiff's application reveals she has received no income during the past twelve months other than \$192 in food stamps each month. Her application also states her spouse is presently employed and earns an average monthly income of \$2,667. Plaintiff represents her checking account is overdrawn; that she and her spouse rely on money from her spouse's parents; and that she filed for bankruptcy in 2005. Plaintiff also states she and her husband support three children, ages 8, 17, and 18, and that one of their children is in college.

Plaintiff represents she and her spouse own a double wide trailer valued at \$95,000 (and owe the bank \$100,000); 5.62 acres of land valued at \$20,000; a 2004 Hyundai Santa Fe; a 2002 Dodge Durango; and a 1996 Ford Explorer. Plaintiff's monthly expenses total \$377 in credit card payments. Plaintiff's household expenses total \$3,203.

The Court finds the value of Plaintiff's household income and property is such that she

can afford the filing fee.

Accordingly, it is recommended Plaintiff's July 2, 2008 Application to Proceed in forma pauperis be **DENIED**, and Plaintiff be ordered to pay the full filing fee. .

Plaintiff may file, within ten (10) days from the date of this Report and Recommendation, with the Clerk of Court, written objections identifying those portions of the recommendation to which objection is made, and the basis for such objections. A copy of such objections should also be submitted to the District Court Judge of Record. Failure to timely file objections to this recommendation will result in waiver of the right to appeal from a judgment of this Court based upon such recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).

The Clerk is directed to mail a copy of this Report and Recommendation to the *pro se* plaintiff and counsel of record, as applicable.

DATED: July 18, 2008

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE